

EXHIBIT 479

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

IN RE: NATIONAL	:	
PRESCRIPTION	:	MDL No. 2804
OPIATE LITIGATION	:	
	:	Case No.
	:	1:17-MD-2804
THIS DOCUMENT RELATES	:	
TO ALL CASES	:	Hon. Dan A. Polster

- - -

Monday, January 7, 2019

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW

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Videotaped deposition of TOM NAMETH, held at
the offices of Cavitch, Familo & Durkin,
1300 East Ninth Street, Cleveland, Ohio, commencing at
9:03 a.m., on the above date, before Carol A. Kirk,
Registered Merit Reporter and Notary Public.

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<p style="text-align: right;">Page 118</p> <p>1 within its business, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And you'd agree that DDM is in the</p> <p>4 best position to ensure that its employees are</p> <p>5 not diverting controlled substances, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And you'd agree that DDM is in the</p> <p>8 best position to identify suspicious orders</p> <p>9 placed in its distribution center, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And you'd agree that the same</p> <p>12 would be true for a possible suspicious order,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. And you'd agree that DDM had more</p> <p>16 than enough information available to it to</p> <p>17 identify possible suspicious orders before they</p> <p>18 went out, correct?</p> <p>19 A. I can't answer that.</p> <p>20 Q. Why is that?</p> <p>21 A. I don't know, because -- I don't</p> <p>22 know whether we could respond to that through an</p> <p>23 IT aspect, whether or not we could arrange a</p> <p>24 prospective ordering process or stopping</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. Would imposing a system that would</p> <p>2 identify possible suspicious orders in advance</p> <p>3 and halt shipments, that would create more work,</p> <p>4 wouldn't it?</p> <p>5 A. Well, if you're going to stop --</p> <p>6 Q. It's a very simple question. I'm</p> <p>7 just -- would it create more work or not?</p> <p>8 A. You've got to create another</p> <p>9 system.</p> <p>10 Q. Okay. So it would be more work</p> <p>11 for somebody at DDM, right?</p> <p>12 A. But that's not why we did it --</p> <p>13 didn't do it.</p> <p>14 Q. But I didn't ask that question. I</p> <p>15 just asked if it would create more work.</p> <p>16 A. Possibly.</p> <p>17 Q. Okay. Can you think of an</p> <p>18 instance where it would create less work?</p> <p>19 A. Depends how smart your system was.</p> <p>20 I don't know.</p> <p>21 Q. So but presumably if you put that</p> <p>22 system in place, it would stop an order, right?</p> <p>23 All of a sudden now someone's got to deal with a</p> <p>24 stopped order, right?</p>
<p style="text-align: right;">Page 119</p> <p>1 process.</p> <p>2 Q. As a pharmacist, and based on your</p> <p>3 understanding of the Controlled Substances Act,</p> <p>4 to the extent that DDM could have done that, do</p> <p>5 you think it should have?</p> <p>6 A. In my opinion, I think we -- the</p> <p>7 system that we had was working well enough that</p> <p>8 we didn't need to do that.</p> <p>9 Q. Okay.</p> <p>10 A. And there's other problems with</p> <p>11 that. When you get into a system that only has</p> <p>12 black and white, that doesn't look at anything</p> <p>13 else besides the number.</p> <p>14 Q. Okay.</p> <p>15 A. We think by looking -- having an</p> <p>16 eyeball on a human being, looking at -- knowing</p> <p>17 our stores and knowing our pharmacists, knowing</p> <p>18 the store locations, the growth of the store and</p> <p>19 all that, we have actually maybe a better aspect</p> <p>20 of what's going on at store level than someone</p> <p>21 that's just doing a black and white aspect of</p> <p>22 cutting an order.</p> <p>23 Q. Why couldn't you do both?</p> <p>24 A. We felt that we didn't need to.</p>	<p style="text-align: right;">Page 121</p> <p>1 A. Yes. Now -- so if you're saying</p> <p>2 then you're going to stop an order and then have</p> <p>3 somebody look at it and then override that</p> <p>4 stopped order, then is there a reason why you're</p> <p>5 stopping the order?</p> <p>6 Q. Well, I mean, just let's say</p> <p>7 there's an order that shows up on your 12-month</p> <p>8 report. Let's say prospectively you get the</p> <p>9 report, the second the order is placed, and it</p> <p>10 says, "Hey, this person is ordering more than</p> <p>11 what their average has been now with this last</p> <p>12 order," you could do that, right?</p> <p>13 A. So you're going to do exactly what</p> <p>14 we're doing now in a quicker time -- in an</p> <p>15 earlier time frame.</p> <p>16 Q. It would be designed to catch</p> <p>17 those orders before they went out, right?</p> <p>18 A. Yes.</p> <p>19 Q. Is there any reason why you</p> <p>20 couldn't have done that, other than IT problems?</p> <p>21 A. Not that I would recall.</p> <p>22 Q. Okay. Do you think that a system</p> <p>23 like that would have been useful to help stop --</p> <p>24 to identify suspicious orders and stop</p>